

Notice of Allowability

Application No.

09/920,521

Examiner

JAGDISH PATEL

Applicant(s)

FUJITA ET AL.

Art Unit

3693

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 4/19/2007.
2. ☒ The allowed claim(s) is/are 1-10.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

DETAILED ACTION

1. This communication is in response to amendment filed 4/19/2007.

Continued Examination Under 37 CFR 1.114

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 3/19/07 has been entered.

Response to Amendment

3. Claims 1-8 have been amended per request. Claims 1-10 are pending and have been allowed.

Reasons for Allowance

4. The following is an examiner's statement of reasons for allowance:
5. The claimed inventions pertain to communications of information to bidders in an online auction.

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6. The following prior art references have been deemed most relevant to the allowed claim(s). The examiner has provided explanation how the claimed inventions are distinct from the respective prior art references :

Nayor et al. (US 2001/0049648A1) teaches an electronic marketplace for selling and auctioning off display rights to digital imagery. Photographers upload digital images to a web site run by an auction house and specify the terms and conditions under which they are willing to allow others to display the digital images. Prospective buyers, who have registered with the auction house can view these digital images, and bid for the right to display the images. If a winning bidder's profile specifies e-mail for the image delivery for the image being auctioned a high-resolution image is sent to the winner's e-mail address as an attachment.

Nayor et al. fail to disclose or suggest the following inventive feature of the claimed invention as specified in each independent claim 1-10.

- that an information image is generated by the network (e.g. a server) based upon the information of the item being auctioned registered in a network server to a bidder client. The bidder client's identification code that identifies an address of the bidder client is recorded. The bidder client is automatically notified an updated transaction price when the transaction price changes due to a bid submitted by another bidder. The notification is remotely updated using the information image generated by the network server and downloaded by the another bidder who submitted the bid.

Srinivasan (US Pat. 7047210) teaches a method and system for auctioning a product on a computer network. Srinivasan, in particular teaches an outbid notification EDI message to buyer 12 whenever another buyer outbids the buyer. The contents of outbid notification EDI message are as follows: buyer item #; name of the auction site selling product; seller item #, make, model, year, version/ISBN, description, quantity of the merchandise being auctioned; bid starts at \$; latest bidding price (if being outbid); seller ID; end date of auction; picture of the merchandise; and number of bids.

While Srinivasan teaches notifying an updated bid submitted by another bidder, he fails to teach or suggest the following features of the instant claims (a) recording an identification (ID) code of said bidder client when said bidder client requests a notification of the information pertaining to said auction exhibit item. wherein the identification (ID) code identifies an address of the bidder client and (b) the notification is remotely updated using the information image generated by the network server and downloaded by the another bidder who submitted the bid.

The foregoing analysis applies to all pending claims 1-10.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAGDISH PATEL whose telephone number is (571) 272-6748. The examiner can normally be reached on 800AM-630PM Mon-Tue and Thu.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, KRAMER JAMES A can be reached on **(571)272-6783**. The fax phone number for the organization where this application or proceeding is assigned is 517-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Jagdish N. Patel

(Primary Examiner, AU 3693)

5/24/07